

STATE OF WISCONSIN

PERSONNEL COMMISSION

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JOEL FULLMER,
 JOHN MASTRICOLA,
 RANA BELSHE,
 Appellants,

v.

Administrator, DIVISION OF
 PERSONNEL,
 Respondent.

Case No. 83-0008-PC

* * * * *

DECISION
 AND
 ORDER

NATURE OF THE CASE

This is an appeal from respondent's decision denying the reclassification of the appellant's positions to the desired level.

The parties agreed to the following issue for hearing:

Whether the decision of the administrator to reclassify the appellants' positions from Administrative Assistant 4 (AA4) (PR1-13) to Community Services Specialist 2 (PR1-14) instead of AA5 (PR1-15) was correct.

At the close of the hearing, the respondent moved for dismissal as to appellant Rana Belshe who was not present at the hearing itself. The parties filed post-hearing briefs.

FINDINGS OF FACT

1. At all times relevant to this proceeding, the appellants were employed as Energy Management Specialists in the Compliance Monitor Section, Bureau of Program Compliance, Division of Economic Assistance (DEA), Department of Health and Social Services, (DHSS).

2. The appellants all worked within the weatherization program operated by DEA and performed similar duties. As of June 1982, the program

funded 26 local operators at a total funding level of more than \$10 million. The program is designed to increase the thermal efficiency in eligible homes throughout the state.

3. Mr. Fullmer's responsibilities were accurately described in his position description dated June 26, 1982, a copy of which is attached hereto and incorporated by reference as if fully set forth in this finding. All three of the appellants performed substantially similar responsibilities with respect to the weatherization program.

4. Before becoming a function of DEA, the weatherization program had been operated by the Department of Local Affairs and Development.

5. After the move to DEA, the appellants, who at that time were classified as Administrative Assistant 4's (AA4's), were given increased independence of operation. In addition, the team concept was eliminated so that instead of dividing the appellants into management monitors and technical monitors, each person handled both management and technical matters for roughly one-third of the 26 or 27 local operators.

6. As a result of a reclassification request, respondent DP reclassified the appellants' positions from the AA4 level to the Community Services Specialist 2 (CSS 2) level. Appellants had sought reclassification to AA5 and appealed the respondent's decision.

7. At the prehearing conference held on February 22, 1983, Mr. Fullmer was designated as spokesperson for the three appellants. Ms. Belshe resigned from her position in DEA on April 1, 1983. She did not withdraw her appeal.

8. The class description for the Community Services Specialist 2 level provides the following definition:

This is responsible general advisory and technical assistance work in all matters relating to the operations of local units of government within the state. Employees in this classification are responsible for providing a broad range of technical assistance and information to requesting local units in an assigned geographic area of the state and acting as a statewide consultant in one or more of the specialty areas related to community development and local government operations. The work includes providing technical assistance and information to local units in the same manner as a Community Services Consultant 1 and for providing specialized information and technical assistance to local governmental units and organizations, state agencies, and other Community Services Consultants on a statewide basis. Requests are acted upon independently and work is reviewed through conferences and staff meetings, primarily for informational purposes.

9. The CSS2 classification has been assigned to pay range 1-14, while the AA4 and AA5 levels have been assigned to pay ranges 1-13 and 1-15, respectively.

10. The CSS2 classification is typically used for classifying persons providing technical assistance, typically in a specific geographic area, to local governments who also serve as an expert in a particular program area on a statewide basis. A position classified at the CSS3 (PR1-15) level must be serving as the sole expert statewide in the program area which is usually a larger program or field than those identified at the CSS 1 level.

11. The administrative Assistant series is generally utilized either as a series of last resort for positions not better described in another classification series or for describing positions performing a general administrative function.

12. For a period from before February of 1982 until May of 1982, a position held by Mr. James Cain was solely responsible for developing the standards and policies for the weatherization program.

13. Other positions within DEA are currently classified at the AA5 level, including:

a. The position occupied by Ruth Hase, Training and Interpretation Specialist which is responsible for providing clarification of and information regarding policies and procedures for the income maintenance programs, providing technical assistance to local agencies in operating the computer reporting network, responding to inquiries and complaints from recipients and providing training. Income maintenance programs number more than twelve and include Aid to Families with Dependent Children, Food Stamps, and Medical Assistance.

b. The position held by Walter Zielke, Compliance Monitor, is in charge of ascertaining compliance by local agencies within a specific region (Rhineland) with all requirements relating to the various income maintenance programs.

These positions are distinguishable from the appellants' positions in that they are responsible for a large number of programs while the appellants' responsibilities only relate to one program.

14. Positions within state service that are classified at the CSS 2 level include:

a. The position held by Stephen Romano in the Bureau of Solid Waste Management, Department of Natural Resources. Mr. Romano's position is summarized on his position description as follows:

This is a very responsible position in the Systems Management Section of the Bureau of Solid Waste Management. The duties involve: 1) Administration of the Solid Waste Management Grant Program-NR 186; 2) Development and coordination of the Solid Waste Information and Education Program; and 3) Review of NR 185 Areawide Solid Waste Management Plans. These duties have state and program-wide impact and responsibility.

Mr. Romanos' duties include evaluating grant applications and awarding grants. Amounts may exceed \$500,000 annually.

b. The position held by Timothy Kessenich in the Office of Intergovernmental Programs, Bureau of Water Grants, DNR. Mr. Kessenich's position summary reads:

Under the general supervision of the Special Projects and Construction Management Section Chief, manage the Septic Tank, Flood Plain Shoreland Mapping Grant and ORAP-Small Projects grants programs. Responsibilities include review of application

requests, coordination of programs with affected units, and internal/external liaison on grants and rules and regulations governing the grants programs.

15. The appellant's positions are adequately described in the CSS 2 classification and are comparable to other positions in state service at that level.

CONCLUSIONS OF LAW

1. This matter is appropriately before the Commission pursuant to §230.44(1)(a), Stats., (1981-82).

2. Ms. Rana Belshe is a proper party to this appeal.

3. The appellants have the burden of proving that the respondent's decision to reclassify the appellants' position to the CSS 2 level was incorrect and that their positions are more appropriately classified at the AA5 level.

4. The appellants have failed to meet their burden of proof.

5. The respondent's decision to reclassify the appellants' positions to the CSS 2 level was correct.

OPINION

Motion to Dismiss as to Ms. Belshe.

The respondent moved to dismiss this appeal as it relates to the position occupied by Ms. Belshe. Ms. Belshe was not present at the hearing and had resigned from her position as an Energy Management Specialist on April 1, 1983, almost three months after the appeal had been filed. At the hearing, the examiner suggested that the appellants offer some testimony to the effect that Ms. Belshe performed the same function as the other two appellants. While there was no express testimony to that effect, Mr. Fullmer did testify that the 26 local operators in the state were divided up so that he worked with nine, Mr. Mastricola had seven and Ms. Belshe was

assigned the rest. The only reasonable implication from this testimony is that Ms. Belshe had the same responsibilities as the other two appellants and that the local operators were divided among them in relatively equal proportions.

There is nothing within the statutes that prevents someone from pursuing a reclassification appeal after they have resigned from the position that is subject to review. In addition, §230.44(4)(e), Stats., specifically permits a party to appear by an agent at a Commission hearing.

Any party in an action under this section may be present at a hearing in the action under this section, in person, by attorney or by any other agent.

In this case, Mr. Fullmer had been designated at the prehearing conference as the spokesperson for the appellants. There was no indication by Mr. Fullmer that Ms. Belshe wished to withdraw her appeal. Therefore, respondents motion to dismiss due to the absence of Ms. Belshe at the hearing and her prior resignation must be denied.

Merits

The appellants in this matter called just one witness, Mr. Fullmer, who testified as to the nature of his duties. Mr. Fullmer also compared his responsibilities to those performed by an income maintenance compliance monitor (Mr. Zielke) who is assigned to the Rhinelander region of the state.

The appellants made no effort to show that the CSS 2 positions held by Kessenich and Romano were not comparable to the appellants positions. The only argument offered by the appellants to the effect that the CSS 2 specifications did not accurately describe their positions was that the definition refers to a "statewide consultant" while it was clear that each appellant provided consultation to just one-third of the subgrantees statewide. The appellants suggest that because of this distinction, the

Community Services Specialist series is inappropriate and that the very general Administrative Assistant series must be utilized for classifying their positions. However, the respondent offered testimony that because the appellants were able to function interchangeably among the 26 operators statewide, they were each staff specialists on a statewide basis, therefore, meeting the class specification. Even if that were not the case, the Commission is unconvinced that such an inconsistency with the CSS 2 (PR1-14) classification is a basis for reclassifying the appellants to the AA5 (PR1-15) level. Respondent offered testimony to the effect that the CSS 2 level is used to classify positions providing technical assistance, typically in a specific geographic area and which also serve as an expert in a particular program area on a statewide basis. In contrast, the CSS 3 level is for persons serving as the sole consultation expert for a program on a statewide basis. The appellants' positions clearly do not meet the CSS3 (PR1-15) requirements because the responsibilities were divided among these positions. The next lower classification, if not a perfect match, is the "best fit" for the appellants' positions, in light of the full range of consultation provided by the appellants' to their respective third of the weatherization subgrantees statewide.

The appellants argued that their positions were comparable to the regional compliance monitors for the income maintenance(IM) programs. These positions, as represented by the Zielke position in the Rhinelander region, are classified at the Administrative Assistant 5 level. Mr. Zielke's position description was not entered into the record. However, testimony established that his compliance monitoring responsibilities encompassed the full range of income maintenance programs: Aid to Families with Dependent Children, Food Stamps, Medical Assistance, Refugee

Assistance, Relief to Needy Indian Persons, Student 18 Year Old Assistance, State Dependents, Fuel Loan Program, Energy Assistance Program, General Assistance, Child Support and Paternity Program, and Assistance for Repatriated Citizens. Mr. Zielke must be familiar with the state and federal regulations as to all of the income maintenance programs in order to monitor the compliance of the providers within his geographic region. The fact that Mr. Zielke has responsibilities over at least 12 separate programs while the appellants only deal with one program is a reasonable basis on which to distinguish these positions. The appellants argued that the IM programs were stable rather than developing, provided only monetary benefits rather than a service such as weatherization, had a smaller range of organizations acting as benefit providers, and required less frequent and less complex reports than were required in the weatherization area. The appellants also argued that their positions were able to effectuate changes in the subgrantees operations while the IM monitors were not. Assuming these distinctions are accurate they still do not show that the appellants provide the same wide range of monitoring as the IM monitors do on a regional basis. The Hase position referred to finding of fact #13 also has responsibilities over the full range of IM programs rather than just one.

The fact that the appellant's positions do not meet the CSS 3 (PR1-15) requirements also indicates that their positions should not be classified at the AA5 level which is assigned to the same pay range.

At the hearing, the parties offered substantial testimony as to consequences of a regionalization of the position with additional responsibilities, at least on paper, in the IM area. This regionalization occurred well after the effective date of the reclassification decision

that is the subject of this appeal. Therefore, all testimony regarding the consequences of the regionalization is irrelevant.

ORDER

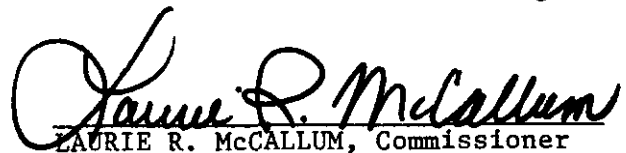
The respondents decision reclassifying the appellants' positions to the Community Service Specialist 2 level is affirmed and this appeal is dismissed.

Dated: January 4, 1984

STATE PERSONNEL COMMISSION


DONALD R. MURPHY, Chairperson

KMS:jab
JEN2


LAURIE R. McCALLUM, Commissioner


DENNIS P. MCGILLIGAN, Commissioner

Parties:

Joel Fullmer, John Mastricola
& Rana Belshe
DHSS
18 S. Thornton Avenue
Madison, WI 53708

Howard Fuller, Secretary
DER*
P. O. Box 7855
Madison, WI 53707

*Pursuant to the provisions of 1983 Wisconsin Act 27, published on July 1, 1983, the authority previously held by the Administrator, Division of Personnel over classification matters is now held by the Secretary, Department of Employment Relations.

POSITION DESCRIPTION

DER-PERS-10 (Rev 1-78)
State of Wisconsin
Department of Employment Relations
DIVISION OF PERSONNEL

1. Position No <i>1111</i>	2. Cert/Reclass Request No.	3. Agency No <i>135</i>
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4. NAME OF EMPLOYEE
Joel Fullmer

5. DEPARTMENT, UNIT, WORK ADDRESS
**Dept. of Health & Social Services
Division of Economic Assistance
18 S. Thornton Ave.
Madison, WI 53708**

6. CLASSIFICATION, TITLE OF POSITION
*Community Services Specialist 2
Administrative Assistant 5 eff. 7-25-82*

7. CLASS TITLE OPTION (To be Filled Out By Personnel Office)

8. NAME AND CLASS OF FORMER INCUMBENT

9. AGENCY WORKING TITLE OF POSITION
Energy Management Specialist

10. NAME AND CLASS OF EMPLOYEES PERFORMING SIMILAR DUTIES

11. NAME AND CLASS OF FIRST-LINE SUPERVISOR
Louise S. Bakke, Administrative Officer 2

12. FROM APPROXIMATELY WHAT DATE HAS THE EMPLOYEE PERFORMED THE WORK DESCRIBED BELOW?

13. DOES THIS POSITION SUPERVISE SUBORDINATE EMPLOYEES IN PERMANENT POSITIONS? AND ATTACH A SUPERVISORY POSITION ANALYSIS FORM (DER-PERS-84) Yes No IF YES, COMPLETE

14. POSITION SUMMARY - PLEASE DESCRIBE BELOW THE MAJOR GOALS OF THIS POSITION
See attached.

15. DESCRIBE THE GOALS AND WORKER ACTIVITIES OF THIS POSITION (Please see sample format and instructions on back of last page)

-GOALS: Describe the major achievements, outputs, or results List them in descending order of importance.
-WORKER ACTIVITIES: Under each goal, list the worker activities performed to meet that goal
-TIME %: Include for goals and major worker activities

TIME %	GOALS AND WORKER ACTIVITIES
	See attached.

(Continue on attached sheets)

16. SUPERVISORY SECTION - TO BE COMPLETED BY THE FIRST LINE SUPERVISOR OF THIS POSITION (See Instructions on Back of last page)

a. The supervision, direction, and review given to the work of this position is [] close [] limited [] general.
b. The statements and time estimates above and on attachments accurately describe the work assigned to the position. (Please initial and date attachments)

Signature of first-line supervisor: _____ Date: _____

17. EMPLOYEE SECTION - TO BE COMPLETED BY THE INCUMBENT OF THIS POSITION

I have read and understand that the statements and time estimates above and on attachments are a description of the functions assigned my position. (Please initial and date attachments)

Signature of employee: _____ Date: _____

18. Signature of Personnel Manager: _____ Date: _____

Respondent's Exhibit # 14

Energy Management Specialist, AA5

POSITION SUMMARY

This person has the responsibility under general supervision of the Section Chief to:

- a. Review and evaluate the management systems of local weatherization programs and specify corrective actions to be taken as a result of the review.
- b. Review and evaluate the operational systems and quality of weatherization work of local weatherization programs, and specify corrective actions to be taken as a result of the review.
- c. Recommend solutions to management and operational problems.
- d. Review and evaluate the modifications implemented by the operator.
- e. Negotiate contracts with subgrantees.
- f. Review contract modifications, contract performance, and make recommendations.
- g. Review contract performance, vehicle, tool/equipment, training and technical assistance plans, and make recommendations.
- h. Evaluate and make recommendations regarding viability of service providers.
- i. Survey and maintain information on a wide range of weatherization products and techniques.

The weatherization program currently funds 26 local operators at a funding level of \$10.5 million. The operators weatherize 9,000 units per year. Weatherization provides for energy savings of 20-30 percent per unit.

GOALS AND ACTIVITIES OF THIS POSITION

Time %

- 40% A. Review and evaluation of the weatherization program systems of local program operators through on-site visits.
- A1. Go into the field and interview clients, review and evaluate the client dwelling structure; the work performed by the agency to improve the structure's thermal efficiency.
 - A2. Using research and survey techniques, select samplings of clients, records, installations, and financial documents for review and evaluation.
 - A3. Review/evaluate agency's organizational structure and work flow.

GOALS AND ACTIVITIES OF THIS POSITION (cont'd)

Time

- A4. Review/evaluate the distribution of programmatic functions and responsibilities.
- A5. Review/evaluate the agency's internal control procedures as they relate to inventory control, purchasing, and quality control.
- A6. Review/evaluate the eligibility of the household being assisted.
- A7. Review/evaluate the quality, completeness, and appropriateness of the client file maintained.
- A8. While on-site, advise the agency regarding any real or potential problems discovered.
- A9. Prepare a written report to the Executive Director and Board of Directors, outlining findings, conclusions, and recommendations. Specify/require corrective actions.
- A10. Review and approve or disapprove agency responses to our inquiries concerning mandatory changes.
- A11. Notify the agency of any program requirement which they must meet and with which they presently are not in compliance.
- A12. Summarize program findings at the close of a monitoring visit in an exit interview with the agency Executive Director, Finance Director, Program Director, and Board Members.
- A13. Develop and maintain a photographic record of the quality of work.

20% B. Provision of technical assistance to local program operators.

- B1. On-site, provide technical assistance to the local program operator in regard to improving their management and operational systems.
 - a. Advise the agency about any short comings in their present or envisioned systems.
 - b. Advise the agency regarding alternative methods of modifying or replacing the existing system(s) which will provide adequate controls and/or efficiencies.
 - c. Develop and present training packages to local program operator staff.
- B2. Off-site technical assistance.
 - a. Respond to written agency requests for technical assistance within 30 days of request.

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GOALS AND ACTIVITIES OF THIS POSITION (cont'd)

Time

- b. Maintain information system on techniques and materials relevant to weatherization production.
 - c. Perform periodic evaluations and review of current agency contract(s) and provide feedback. Make recommendations concerning performance.
- 30% C. Provision of contract management.
- C1. Review/evaluate current contract performance. Perform periodic evaluations and review of current agency contract(s) and provide feedback. Make recommendations to section chief concerning fiscal sanctions to be imposed as the result of questionable performance and implement any necessary and justified sanction(s).
 - C2. Negotiate new contracts with subgrantees. Devise and perform calculations to insure that contract category amounts meet limitations, including program support rate, administration, and productivity. Insure budget line items meet federal and state guidelines.
- 10% D. Completion of special assignments related to weatherization as assigned by the section chief.
- D1. Attend meetings and present information regarding the weatherization program and make recommendations concerning proposed program components and activities.
 - D2. Assist in the review and approval of additional service providers, or changes in service areas of existing service providers.
 - D3. Develop specific objectives, activities, and timetables to meet state and federal requirements and planning needs.
 - D4. Participate in the development and maintenance of a minimum weatherization program standards manual.
 - D5. Provide information to other federal/state/division personnel on weatherization projects.
 - D6. Provide start-up assistance to new agencies.
 - D7. Survey and maintain information on a wide range of weatherization products and techniques.

Knowledges and Abilities

1. Knowledge of program supervision and management practices, procedures, and techniques.
2. Knowledge of the principles and practices of business management and public administration.
3. Knowledge of the principles and practices of governmental budgeting, personnel administration, modern office management, and public relations.
4. Knowledge of research and survey techniques.
5. Knowledge of county and Indian tribal agency structure, practices, and procedures.
6. Knowledge of residential construction.
7. Knowledge of Residential Retrofit Energy concepts, conservation techniques, and materials.
8. Knowledge of tools and equipment pertinent to weatherization, their proper application and maintenance.
9. Knowledge of inventory procedures for materials and equipment.
10. Knowledge of quality control procedures.
11. Ability to evaluate the efficiency and effectiveness of administrative procedures and operations.
12. Ability to interpret department weatherization policies and procedures and federal and state laws and regulations.
13. Ability to communicate clearly, orally, and in writing.
14. Ability to establish and maintain effective working relationships with fellow employees, administrative officials, and general public.

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Director
 Bureau of Program Compliance
 Southwick

Support Unit
 CI.Supv. 2 - Walrack
 WPO-2 - Boe
 WPO-2 (50%) - Gove
 WPO-1 (50%) -
 WPO-1 - McCormick

Pl. Analyst 3 - Schirle
 PA-3 (Proj.) - Sharon
 PA-1 - Johnson
 PA-1 - Vacant

Quality Control Section
 AD-1 Supv. - Anderson

Deputy Director
 Chief Compt. Monitor Sec.
 AD-2 Supv. - Bakke

Compliance Monitors
 AO-1 - Wood (Milw.)
 AA-5 - Wichanheck (Madison)
 AA-5 - Pawlisch (Madison)
 AA-5 - Hutches (Gr. Bay)
 AA-5 - Bruckner (Fau Cl.)
 AA-5 - Vacant (Waukesha)
 AA-5 - Zieje (Khin.)
 AA-5 - Crofoot (Ashland)

Pre-Hearing Investigators
 Area SS-5 - Gechring (Milw.)
 Area SS-5 - Arndt (Gr. Bay)

Weatherization
 AA-4 - Belshe
 AA-4 - Fulmer
 AA-4 - Masticola

Auditor 3 - Johnson
 PA-2 (60%) - Antijunt
 WPO-1 (50%) - Weyland
 WPO-1 (50%) - McLelland

Madison Region
 QC Supv. - Hanson
 Area SS-2 - Victh
 Area SS-2 - Laughlin
 Area SS-2 - Wocfel
 Area SS-2 (50%) - Niemczyk
 Area SS-1 - Vacant
 Typist - Vacant

Green Bay Region
 QC Supv. - Luce
 Area SS-2 - Paradise
 Area SS-2 - Rasmussen
 Area SS-2 (50%) - Connors
 Area SS-2 - Hintze
 Area SS-2 - Bera
 Area SS-2 - Woldt
 Typist - Springer

Rhineland Region
 QC Supv. - Trajtal
 Area SS-2 - Hovey
 Area SS-2 - Vacant
 Area SS-2 - Scovel
 Area SS-2 - Bartel
 Area SS-2 - Mueller
 Area SS-2 (50%) - Vacant
 Typist - Zellinger

Fau Claire Region
 QC Supv. - Baker
 Area SS-2 - Beattie
 Area SS-2 - Lamb
 Area SS-2 - Zellmer
 Area SS-2 - Laxton
 Area SS-2 - Johnson
 Typist - Gabriel

Milwaukee Region
 QC Supv. - Sweet, Art
 Area SS-4 - Hamilton
 Area SS-4 - Lauritzen
 Area SS-2 - Alden
 Area SS-1 - Cannaway
 Area SS-2 - Friday
 Area SS-1 - Walbridge
 Area SS-2 - Taylor
 Area SS-2 - Williams
 Area SS-2 - Herron

Milwaukee Region
 QC Supv. - Sweet, Art
 Area SS-1 (50%) - Vacant
 Area SS-2 (50%) - Winner
 Area SS-2 (50%) - Schultz
 Area SS-2 (50%) - Zahn
 Area SS-2 - Glove
 Area SS-1 (50%) - Vacant
 Typist (lead) - Duerr
 Typist - Thompson

Research Unit
 RA-6 Supv. - Dorrier
 RA-4 - Lee
 Res. Asst. - Bahr
 PA-2 - Jacob

Medical Asst. QC Unit
 AA-5 Supv. - Olson

Area SS-1 - Firoz
 Area SS-1 - Frickestein
 Area SS-1 (50%) -
 Koslosky
 CI. Asst. -2 - Danna
 CI. Asst. -2 (50%) - Sands

Performance Review Section
 AO-1 Supv. - Sweet, Alan
 AA-5 - Piper
 AA-5 - team leader - Rasmussen
 AA-5 - team leader - Ziegler
 AA-5 - team leader - vacant
 Area SS-5 - McClesley
 Area SS-5 - Mirf
 Area SS-5 - Mengesha
 Area SS-2 - Shovers
 Area SS-2 - Buchner
 Area SS-2 - Williams
 Area SS-1 (LAF) - Chase